

Includes cells, which upon growth and differentiation produce corn plants having the physiological and morphological characteristics of the inbred line G4901.

A deposit of at least 2500 seeds of this invention ~~will be~~ is maintained by the American Type Culture Collection (ATCC) Garst Seed Company, 2369 330th Street, Slater, Iowa 50244. ~~Access to seeds was this deposit will be~~ available during the pendency of this application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. All restrictions on availability to the public of such material will be removed upon issuance of a granted patent of this application by depositing at least 2500 seeds of this invention at the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Va. 20110. The date of deposit was July 26, 2004 and the seeds were tested and found to be viable on August 3, 2004. The ATCC accession number is PTA-6130. ~~The deposit of at least 2500 seeds will be from the same inbred seed taken from the deposit maintained by Garst Seed Company.~~ The ATCC deposit will be maintained in that depository, which is a public depository, for a period of 30 years, or 5 years after the last request, or for the effective life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period.

Additional public information on some ZS designations may be available from the PVP office a division of the US government.

Accordingly, the present invention has been described with some degree of particularity directed to the preferred embodiment of the present invention. It should be appreciated, though, that the present invention is defined by the following claims construed in light of the prior art so that modifications Or changes may be made to the preferred embodiment of the present invention without departing from the inventive concepts contained herein.



Respectfully submitted,

Dana Rewoldt, Reg. No. 33,762
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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing Second Amendment after Allowance for application 09/811,049 is being mailed to the Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of September, 2004.

ATCC



16901 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Advanta USA
Attn: Dana S. Rewoldt
2369 330th Street
PO BOX 500
Slater, IA 50244

Deposited on Behalf of:

Advanta Technology, Ltd.

Date of Receipt of Seeds by the ATCC:

July 26, 2004

Scientific Description

Depositor's Reference

Patent Deposit Designation

Zea mays

G4901

PTA-6130

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested August 3, 2004 and were viable.

American Type Culture Collection

By Marie Harris
Marie Harris, Patent Specialist
ATCC Patent Depository

Date: August 31, 2004